

**ATTACHMENT 4 - COMPLIANCE TABLE - STATE ENVIRONMENTAL PLANNING
POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004**

JRPP-15-482 - Assessment of a Residential Aged Care Facility (RACF)

12-16 Florence Street, Oakhurst

Development Control	Complies	Comment
Chapter 1 – Preliminary		
2 – Aims of Policy 1) This Policy aims to encourage the provision of housing (including residential care facilities) that will: a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and b) make efficient use of existing infrastructure and services, and c) be of good design. 2) These aims will be achieved by: a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.	Yes	The proposed development satisfies the aims of the SEPP.
4 Land to which Policy applies (1) General This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if: (a) development for the purpose of any of the following is permitted on the land: i. dwelling-houses, ii. residential flat buildings, iii. hospitals, iv. development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or (b) the land is being used for the purposes of an existing registered club.	Yes	The site is currently zoned R2 Low Density Residential pursuant to the Blacktown Local Environmental Plan (BLEP) 2015 (which commenced on 7 July 2015 following the lodgement of this DA) in which the proposed ‘Seniors housing’ development is permissible with development consent. Subject to clause 1.8A ‘Savings provision relating to development applications’ within BLEP 2015, as this DA was lodged before the commencement of the BLEP 2015 and the DA has not been fully determined before that

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		commencement, the DA must be determined as if the BLEP 2015 has not commenced. Therefore, this DA is assessed under the BLEP 1988, in which the site is zoned 2(b) Residential zone and <i>'housing for aged or disabled persons'</i> is permissible with development consent.
5 Relationship to other environmental planning instruments 1) This Policy repeals State Environmental Planning Policy No 5—Housing for Older People or People with a Disability. 2) Despite anything to the contrary in this Policy: a) a consent authority may not grant consent to a development application made pursuant to Chapter 3 in relation to the land referred to in clause 4 (9) if the proposed development does not comply with the requirements of clause 65 (5) of Sutherland Shire Local Environmental Plan 2000 relating to development for the purposes of seniors housing, and b) the provisions of clause 65 (5) of Sutherland Shire Local Environmental Plan 2000 relating to development for the purposes of seniors housing prevail over the provisions of this Policy to the extent of any inconsistency. 3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency. This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item.	Yes	Noted
Chapter 2 Key concepts		
8 Seniors In this Policy, seniors are any of the following: (a) people aged 55 or more years, (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided, (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.	Yes	Noted

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9 – People with a disability In this Policy, people with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.	N/A	The development proposes housing for <i>seniors</i> only.
10 Seniors housing In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of these, but does not include a hospital. Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing. Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following: (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows: (a) Class 3, 9a or 9c in relation to residential care facilities, (b) Class 1b or 3 in relation to hostels, (c) Class 1a or 2 in relation to self contained dwellings.	Yes	Proposal is for a residential care facility (RACF).
11 Residential care facilities In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes: (a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility. Note. The Aged Care Act 1997 of the Commonwealth	Yes	Proposal complies with definition.

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requires residential care facilities to which that Act applies to meet certain requirements.		
Chapter 3 Development for seniors housing		
Part 1 General		
14 Objective of Chapter The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.	Yes	The proposed development is suitably located and designed in accordance with the development controls of this Chapter.
15 What Chapter does This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy: (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.	Yes	Noted.
16 Development consent required Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.	Yes	This DA seeks approval from the JRPP for the purpose of the development of housing for seniors.
18 Restrictions on occupation of seniors housing allowed under this Chapter (1) Development allowed by this Chapter may be carried out for the accommodation of the following only: (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. (2) A consent authority must not consent to a development application made pursuant to this Chapter unless: (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with	Yes	Suitable conditions of development consent will be imposed requiring a restriction as to user to be registered on the title/s requiring the accommodation to be utilised for only: a) seniors or people who have a disability, b) people who live within the same household with seniors or people who have a disability, c) staff employed to assist in the administration of and provision of services

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section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1). (3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.		to housing provided under this Policy. (Condition 10.12.2)
19 Use of seniors housing in commercial zones Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.	N/A	The site is not zoned for commercial purposes.
21 Subdivision Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority. Note. Clause 5 (3) of this Policy ensures that subdivision on the land referred to in clause 4 (9) (b) is permitted by this clause with the consent of the consent authority despite the provisions of clause 65A of the former Sutherland Shire Local Environmental Plan 2000 (which continues to apply to the land by virtue of clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006).	N/A	The proposal does not include subdivision.
22 Fire sprinkler systems in residential care facilities for seniors Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.	Yes	Fire sprinklers will be addressed via conditions of consent (Condition 10.12.2) .
23 Development on land used for the purposes of an existing registered club (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that: (a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and (b) an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development. Note. The Gaming Machines Act 2001 and the regulations	N/A	Subject site is not used for the purposes of an existing registered club.

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made under that Act provide for gambling harm minimisation measures. (2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following: (a) any separate pedestrian access points for the club and the residential areas of the proposed development, (b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development. Note. See also clause 34 in relation to noise minimisation design principles.		
Part 1A Site compatibility certificates 24 Site compatibility certificates required for certain development applications (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if: (a) the development is proposed to be carried out on any of the following land to which this Policy applies: (i) land that adjoins land zoned primarily for urban purposes, (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted), (iii) land that is used for the purposes of an existing registered club, or (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45. (1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument. (2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General's opinion: (a) the site of the proposed development is suitable for more intensive development, and (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).	N/A	Seniors housing is permissible in the zone, therefore a site compatibility certificate is not required.

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Note. Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate. (3) Nothing in this clause: (a) prevents a consent authority from: (i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or (ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or (b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies. Note. Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50. (4) (Repealed)		
Part 2 Site-related requirements		
26 Location and access to facilities (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. (2) Access complies with this clause if: (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable: (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time, (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,	Yes	The applicant has demonstrated that the site is within approximately 180-220 metres walking distance from bus tops which are located on either side of Rooty Hill Road North (to the west of the site) (refer to Figure 3C of the SEE). However, the direct pathway to these bus stops along the southern side of Florence Street is not serviced by a footpath, therefore requiring persons to cross the street twice to reach the bus stops via a suitable access pathway. The requirement to install a footpath will be addressed via conditions of consent (Condition 5.6.2).

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(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or (b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development: (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or (c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development: (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3). Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services. (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable: (i) a gradient of no more than 1:12 for slopes for a maximum		Whilst the gradients to the bus stops are generally level, a pathway is not provided. Based on an assessment of the bus routes and timetable analysis, access to shops, services and medical practitioners are readily available and accessible at the nearby shopping centres such as Mount Druitt. Furthermore, the applicant has identified the residents will have access to these services on site as follows: <i>“medical, rehabilitative and restorative care. Personal care services will include cleaning, laundry, meals and assistance with bathing, personal hygiene, eating and transport. Essential health services such as GPs, physiotherapy, occupational therapy, recreational therapy and podiatry will also be provided on-site. Further there will be an onsite hair and beauty salon, the facility arranges on site visitors from clothing providers, there will be available small retail items such as cafe style coffee dispensation and drinks and snack food dispensers.”</i>

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of 15 metres at a time, (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time, (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time. (4) For the purposes of subclause (2): (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway. (5) In this clause: bank service provider means any bank, credit union or building society or any post office that provides banking services.		
27 Bush fire prone land	N/A	The subject site has not been identified as bush fire prone land.
28 Water and sewer (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage. (2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.	Yes	The subject site is capable of being serviced by reticulated water and sewage system. This matter will be reinforced through a condition of consent requiring a Section 73 Certificate from Sydney Water to be obtained (Conditions 3.4 & 10.8).
29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply. Note. Clause 24 (1) sets out the development applications to which that clause applies. (2) A consent authority, in determining a development application to which this clause applies, must take into	Yes	The proposed development will not adversely impact upon the natural environment, the existing uses (vacant land) or approved uses of land in the vicinity of the proposed development. Services and

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consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v). (3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.		infrastructure are available to meet the demands arising from the proposed development. The proposed RACF comprises a two storey development as viewed from the public domain which is consistent with the bulk, scale, built form and characteristics of existing development in the locality of the site.
Part 3 Design requirements		
Division 1 General		
30 Site analysis (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	Yes	The DA has been accompanied with information to provide a satisfactory site analysis of the property. The site is considered to be suitable for the proposed development.
31 Design of in-fill self-care housing In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	N/A	Proposal is for a RACF only.
32 Design of residential development A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Yes	An assessment of the principles set out in Division 2 is outlined below.
Division 2 Design principles		
33 Neighbourhood amenity and streetscape The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to	Yes	The proposed development comprises a two storey development as viewed from the public domain which is consistent with the

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the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) retain, wherever reasonable, major existing trees, and (g) be designed so that no building is constructed in a riparian zone.		developments in the immediate vicinity. The proposed built form comprises a mix of neutral colour tones and building materials which enhances the streetscape and is consistent with the existing and desired future character of the locality. No heritage items are located in the vicinity of the subject site. The development is two storeys in height and provides suitable side setbacks to the existing residential dwellings. Privacy screening measures such as landscaping, translucent glazing and louvres are provided throughout the development. The proposal does not overshadow any private open spaces of the neighbouring residential properties. The proposal results in minor additional overshadowing of part of the common open space (COS) area of the townhouse / villa development to the east. This occurs from approximately 1:30pm onwards. The townhouse / villa buildings also begin to be overshadowed from 12:00pm onwards in midwinter. By 3pm, the proposal results in additional overshadowing of approximately 40% of

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		the COS area. However, some of this area is fenced off and therefore not accessible. The extent of additional overshadowing is considered in detail at Section 8 of the assessment report. The proposal provides setbacks to the street frontages are consistent with the existing adjoining developments and maintain a suitable street alignment. Detailed consideration of the encroachment of the structures within the front setback is provided at Section 8 of the assessment report. The proposed trees and landscaping are extensive, and complement the built form of the development. Suitable conditions of consent are recommended to ensure suitable planting is provided prior to the issue of an occupation certificate, and all planting is maintained for the life of the development to ensure its health and quality (Condition 11.2). The site is currently clear of any trees and is not within a riparian zone.
34 Visual and acoustic privacy The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents	Yes	The applicant addressed this issue as follows:

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by: (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and		<i>"The proposal has been designed to ensure visual and acoustic privacy to the adjoining properties to the east and west of the site are maintained. This has been achieved through the setting back of development from the eastern and western boundaries, landscaping of the setback areas, the inclusion of standard glazing to windows of the rooms with acoustic seals and the capability of closing these windows as well as providing louvres to bedroom windows.</i> <i>The adjoining properties on the eastern and western sides of the site have driveways running along the majority of the shared boundary, thus increasing the setback of the RACF to the adjoining buildings.</i> <i>There is some potential for overlooking from the first floor "eastern terrace" of the "common open space" area of the adjoining development to the east (No. 25 Cassar Place and No. 18 Florence Street).</i> <i>However, the overlooking is not of "private open space."</i> <i>There is potential for horizontal screening to be provided along the periphery of the terrace to direct views</i>

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(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.		<i>out, but not down, if considered necessary by Council."</i> The applicant has demonstrated suitable acoustic and visual privacy measures are included in the development to mitigate potential amenity issues. This is considered in detail at Section 8 of the assessment report and Attachments 7 & 8. The proposal is supported by an Acoustic Assessment prepared by Renzo Tonin & Assoc dated 5 February 2015 which addresses noise levels in bedrooms. The report recommends the implementation of glazing to mitigate noise impacts, which will be addressed by a condition of consent (Condition 3.2.3). The floorplan layout of the development results in bedrooms being located along the majority of all facades. The Acoustic Assessment also addressed the potential noise impact from vehicles, and considered the incorporation of acoustic glazing to ensure acceptable noise levels are achieved.
35 Solar access and design for climate	Yes	The proposed two storey

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The proposed development should: (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction. Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.		development has a north – south orientation, and results in overshadowing of the properties to the west until approximately 10:30am in mid-winter, and overshadowing of the properties to the east from approximately midday onwards. The proposal received a submission from the property owners to the east in relation to excessive overshadowing of their centrally located common open space area as a result of the development. Clause 35(a) specifically requires adequate sunlight to be provided to the main living areas and substantial areas of private open space. These areas are located to the east of the adjoining properties (Units 1,2,3/18 Florence Street, Units 1,2,3,4/25 Cassar Place and to the south of 20A & 20B Florence Street. Therefore, the proposal does not result in additional overshadowing of the areas highlighted in this clause. All rooms are provided with windows and the design of the building allows for adequate solar access and natural ventilation to private rooms and common areas.
36 Stormwater The proposed development should: (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with	Yes	Council's engineers have assessed the proposed development in relation to stormwater management and have no objection to the

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semi-pervious material, minimising the width of paths and minimising paved areas, and (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.		development in this regard.
37 Crime prevention The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Yes N/A N/A	The development, when completed, will be secure for the residents. The staff will be responsible for monitoring the development and movement of patients and access doors will have secure access. The orientation and layout of the building will allow casual surveillance of the public domain to the north and south of the site.
38 Accessibility The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	Yes	The proposed development has clear pedestrian linkages within the site. Access to public transport services (bus stops on Rooty Hill Road North to the west of the site) is provided, however this is via a grass verge only. A condition of consent is to be imposed requiring a footpath to be in place along this path of travel (Condition 5.6.2).
39 Waste management The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Yes	Waste collection (general and recycling) will be via a private waste contractor via Cassar Place, including a manoeuvring driveway area to ensure vehicles enter and exit in a forward direction. There is an external enclosed waste storage area adjoining the loading

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		driveway. The applicant has demonstrated that the suitable facilities are provided.
Part 4 Development standards to be complied with		
Division 1 General		
40 Development standards—minimum sizes and building height (1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause. (2) Site size The size of the site must be at least 1,000 square metres. (3) Site frontage The site frontage must be at least 20 metres wide measured at the building line. (4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a). (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape. (c) a building located in the rear 25% area of the site must not exceed 1 storey in height. (5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: (a) the Department of Housing, (b) any other social housing provider.	Yes	Site area – 4,885sqm Site frontage to Florence St – 39.945m Site frontage to Cassar Place – Approx. 39.945m Height – Less than 8m <i>(Definition of height as per the SEPP: Height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.)</i> Storeys – the development is two storeys in height Rear 25% of the site is not to exceed 1 storey in height – The applicant has put forward the argument that the site does not have a ‘rear’ given its dual street frontage. This consideration is further elaborated at Section 5 of the Assessment Report and Attachment 2.

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Division 2 Residential care facilities—standards concerning accessibility and useability Note. Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia.	Yes	Noted, relevant condition imposed (Condition 4.1.2).
Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability	N/A	Development for RACF.
Part 5 Development on land adjoining land zoned primarily for urban purposes		
42 Serviced self-care housing (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to: (a) home delivered meals, and (b) personal care and home nursing, and (c) assistance with housework. (2) For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).	N/A	Development for RACF.
Part 7 Development standards that cannot be used as grounds to refuse consent		
Division 1 General		
46 Inter-relationship of Part with design principles in Part 3 (1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3. Note. It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios. (2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.	Yes	Noted.

Development Control	Complies	Comment
47 Part does not apply to certain development applications relating to heritage affected land Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.	N/A	The subject site is not a listed heritage item.
Division 2 Residential care facilities		
48 Standards that cannot be used to refuse development consent for residential care facilities A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds: (a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or (b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, (c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided, (d) parking for residents and visitors: if at least the following is provided: (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance. Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.	Yes Yes No, variation sought by the applicant. Yes	(a) building height: Less than 8m (b) density and scale: FSR is 0.977:1 (GFA of 4,772sqm) (c) landscaped area: 112 beds requires 2,800sqm. The development proposes 2,768sqm, being a shortfall of 32sqm or 1.1%. The applicant provides the following justification for the proposed landscaping shortfall: <i>"The proposed landscape scheme includes generous, accessible and well planned landscape areas around the proposed building, including deep soil planting.</i> <i>The key feature of the landscaping design is the dementia garden with central water feature and herb garden.</i> <i>The herb garden will still allow residents, who are able bodied, to still undertake some gardening."</i> The proposed landscaping shortfall does not adversely affect the presentation of the development, which provides a visually

Development Control	Complies	Comment
		aesthetic mix of building and landscaping materials. The proposed minor variation is supported. (d) parking: <u>Requirement</u> (i) 112 beds requires 12 spaces (ii) 33 persons employed requires 17 spaces (iii) 1 ambulance Total of 29 spaces plus 1 ambulance required. <u>Proposed</u> 39 spaces plus 1 ambulance. Complies.
55 Residential care facilities for seniors required to have fire sprinkler systems A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.	Yes	This requirement will be appropriately conditioned to ensure a fire sprinkler system is installed in accordance with BCA requirements (Condition 10.12.2).